

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327
THIS DOCUMENT RELATES TO: ALL WAVE 8 CASES	WAVE 8 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**DEFENDANTS' RESPONSE TO KLINE & SPECTER'S MOTION TO EXTEND
DEADLINES FOR PLAINTIFFS' RESPONSES TO DEFENDANTS' WAVE 8
DISPOSITIVE AND DAUBERT MOTIONS**

On July 6, 2018, Plaintiffs represented by the law firm of Kline & Specter asked the Court to extend their Wave 8 deadline in Pretrial Order No. 303 for responses to dispositive and *Daubert* motions from 7 days to 14 days, which would make their responses due on November 1, 2018. Doc. No. 6098.¹

In their Motion, Plaintiffs repeatedly refer to the deadline to file responses as “Plaintiffs” deadline, when in fact the response deadline applies to all parties responding to an opposing party’s motion. Defendants take no position on Plaintiffs’ request. However, in the event the

¹ Plaintiffs ask only that the time to respond be extended “from seven (7) days to fourteen (14) days” rather than asking that PTO No. 303 be amended to change the filing deadline for all responses and, in turn, for replies. *See* Pls.’ Motion [Doc. No. 6098] at 4. However, in keeping with this Court’s docket control in this MDL, in the event the Court allows the additional time for the Kline & Specter plaintiffs, Defendants would ask that any change in the deadlines apply to all cases in Wave 8, not only those cases where the plaintiff is represented by Kline & Specter. Defendants would also respectfully submit that it would be more efficient to create a new date certain for all responses/replies in lieu of having separate deadlines tied to the particular date of the filing of any dispositive or *Daubert* motion in each particular case.

Court grants Plaintiffs' Motion, Defendants request that the extended time to respond likewise apply to Defendants' responses to any dispositive or *Daubert* motion filed by Plaintiffs.

In addition, should the response period be extended to November 1, 2018, Defendants would respectfully request that the 7-day reply deadline be changed from November 1, 2018 to November 8, 2018.

Defendants pray for all other relief to which they are entitled.

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CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage
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